IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL NO. 1125 OF 1984

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the Civil Judge ?

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PRUTHVISINH JITESINH CHAUHAN & ORS. - Appellant(s)
Versus
KISHANCHAND VAGHUMAL & ANR. - Respondent(s)

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Appearance :
Shri N.V. Solanki for Appellant(s) : 1 - 7.
None for Respondent No.1 though served.
None for Respondent No.2 though name of Shri Arun H. Mehta is shown in the Daily Board.

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

Date : 25/07/2007

ORAL JUDGMENT

The appellants-claimants, being partly aggrieved by the

award dated 30th August, 1982 passed by the learned Motor Accident Claims Tribunal (Auxiliary), Ahmedabad in M.A.C.P. No.21 of 1981, is before this Court seeking enhancement in the awarded amount.

2. As none appears to tell me that any cross objections or cross appeal have/has been filed by them challenging the findings relating to rashness, negligence, liability or accident, it would not be necessary for me to discuss the facts in detail, but, I would be required to concentrate on the question of quantum only.

3. The learned Tribunal below has held that the yearly dependency could be Rs.4,200/- only. In the opinion of this Court, the said finding is based upon due appreciation of evidence, but, the learned Tribunal below went wrong in applying the multiplier of 15 (fifteen) in case of a young person, who was only 22 years of age and was to see many colours of life. In my opinion, the multiplier of 18 (eighteen) would be proper application. Under this head, I hold that in addition to what has been awarded under the head of dependency the claimants would be entitled to an additional sum of Rs.12,600/- with 6% interest from the date of application till the date of realisation.

4. It was contended that the learned Tribunal below was unjustified in awarding a sum of Rs.5,000/- only towards future

expectation and enjoyment of life, especially, when the appellants have become old and the surviving widow was too young to bear the shock.

5. Taking into consideration the totality of the circumstances, I hold that though the loss of company cannot be converted into terms of money, but, in the present case, the claimants would be entitled to a sum of Rs.10,000/- under the said head i.e. additional sum of Rs.5,000/- with interest at the rate of 6% per annum from the date of application till the date of realisation.

6. The appellants would be entitled to a sum of Rs.17,600/- in addition to what has been awarded in their favour with interest at the rate of 6% per annum from the date of application till the date of realisation.

7. The appeal is allowed to the extent indicated above. No costs.

[R.S.Garg, J.]

*kamlesh**